

Filed Electronically		
<b>SUPPLEMENTAL RESPONSE AND INTERVIEW SUMMARY</b>	Attorney Docket No.	GHDX-007
	Confirmation No.	2652
	First Named Inventor	Scott, Randy
	Application Number	10/783,884
	Filing Date	February 19, 2004
	Group Art Unit	1637
	Examiner Name	Woolwine, Samuel C.
Address to: Mail Stop Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		<i>Title: "Use of Intronic RNA to Measure Gene Expression"</i>

Dear Sirs:

Examiner Woolwine is thanked for the productive interview with the Applicant's representatives James Keddie (in person), Elizabeth Alcamo (in person), Carol Francis (by telephone) and Craig Wilde (by telephone) on December 15, 2008. All rejection and arguments to address the same were discussed. No agreement was reached.

During the interview, Examiner Woolwine sought further guidance on post-filing evidence that supports the idea that Duvic's statement did not alter the conventional wisdom about introns (i.e., that they are rapidly degraded and therefore would have been of little use for measuring gene expression).

The Applicants wish to point out that such post-filing evidence is presented in page 10 of the response filed on December 3, 2008, where a detailed discussion of *Ng* and *Kulezsa* are presented. As such, post-filing evidence supporting the Applicant's arguments is already on the record, and the Examiner is requested to consider such evidence in considering whether the claims are patentable.

The Applicants believe that the totality of the record demonstrates that: a) the conventional wisdom at the time of filing was that introns are rapidly degraded and therefore would have been of little use for measuring gene expression and b) the Duvic did *not* alter the conventional wisdom about introns upon its publication.

It is believed that all rejections have been adequately addressed and this rejection may be withdrawn. Withdrawal of this rejection is requested.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number GHDX-007.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: December 16, 2008

By: /James S. Keddie, Reg. No. 48,920/  
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